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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,090	09/05/2003	Douglas A. Duim	7784-000629	9927

27572 7590 04/18/2005

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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/656,090

Applicant(s)

DUIM ET AL.

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,7, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Harvard Cheers Dartboard Cabinet” in which the examiner takes official notice that he has had the cabinet since at least 1997 in view of Apel et al. (U.S. Patent No. 6,126,112).

“Harvard Cheers Dartboard Cabinet” includes a first door panel (the door on the left, see the enclosed figure of the “Harvard Cheers Dartboard Cabinet”) having a first portion of an image (includes the letters CH and a portion of the building with people and horses) and a second door panel (the door on the right) having a second portion of the image (including the letters “eers” and the rest of the building and people and horses). The first and second portions of the image are not removable since they are screen printed onto the doors. The first and second door panels cooperatively form a complete rendition of the image. “Harvard Cheers Dartboard Cabinet” does not disclose the idea of attaching the mural onto the doors coupled to a stowage bin in which the doors are hingedly supported along a common longitudinal edge. Apel et al. shows in figure 1 the idea of attaching indicia to doors coupled to a stowage bin in which the doors are hingedly supported along a common upper longitudinal edge. In view of the teachings of Apel et al. it would have been obvious to one in the art to modify “Harvard Cheers Dartboard Cabinet”

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by attaching the mural to doors hingedly supported along a common longitudinal edge of stowage bins since this would allow the idea of placing a portion of a mural on each door to be used in a wider range of locations, i.e. doors on an aircraft, train, etc. In regard to claim 3, the “Harvard Cheers Dartboard Cabinet” includes high contrast color image, i.e. the image includes red and blue in it. In regard to claim 4, “Harvard Cheers Dartboard Cabinet” is considered to be an advertising mural, i.e. advertising the show “Cheers”. In regard to claims 5 and 14, “Harvard Cheers Dartboard Cabinet” does not disclose whether the image comprises at least one ultraviolet stable color. Apel et al. discloses in column 4, lines 12-30 the idea of using UV cured ink. In view of the teachings of Apel et al. it would have been obvious to one in the art to use UV stable color since this would create a longer lasting and more durable image. In regard to claims 1,5,7, and 12, the image portions formed on the panels which form the doors can not be separated from the doors since the image portions are silk-screened onto the panels. In regard to claim 1, the first and second doors/panels of “Harvard Cheers Dartboard Cabinet” are capable of being quickly removed, i.e. the doors are attached with hinges which include screws so the doors can be easily taken off of the cabinet. In regard to claim 12, it is not clear whether “Harvard Cheers Dartboard Cabinet” places the mural on the doors and then attaches the doors to the cabinet. It would have been obvious to one in the art to modify “Harvard Cheers Dartboard Cabinet” by placing the mural on the doors and then attaching the door to the cabinet/mobile platform since this would allow the device to be made in an easier and faster manner.

Claims 8,9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Harvard Cheers Dartboard Cabinet” in which the examiner takes official notice that he has had

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the cabinet since at least 1997 in view of Apel et al. (U.S. Patent No. 6,126,112) as applied to claims 1-5,7, and 12-14 above and further in view of McClatchy (U.S. Patent No. 6,065,258).

“Harvard Cheers Dartboard Cabinet” in which the examiner takes official notice that he has had the cabinet since at least 1997 in view of Apel et al. disclose the applicant’s basic inventive concept except for forming the mural on three panels. Apel et al. shows in figure 1 the idea of placing indicia on each of the doors, i.e. at least five doors have indicia thereon. McClatchy shows in figure 1 the idea of forming a mural by placing portions of the mural on three panels (20,22,24). In view of the teachings of McClatchy it would have been obvious to one in the art to modify “Harvard Cheers Dartboard Cabinet” in which the examiner takes official notice that he has had the cabinet since at least 1997 in view of Apel et al. since this would allow a larger mural to be created which would form a more amusing and aesthetically pleasing display.

### ***Response to Arguments***

Applicant's arguments filed Jan. 12, 2005 have been fully considered but they are not persuasive.

The applicant argues that “Harvard Cheers Cabinet” fails to show door panels hinged along a common longitudinal edge. In view of the applicant’s amendments, the “Harvard Cheers Cabinet” reference is now being modified in view of the Apel et al. patent to show that it is known to hinge doors along a common longitudinal edge, i.e. the mural of “Harvard Cheers Cabinet” is being placed on the doors of stowage bins.

The applicant argues that there is absolutely no suggestion that the “Harvard Cheers Cabinet” reference includes an ultraviolet color stable image as defined in claim 5. In view of

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the applicant's amendments, the "Harvard Cheers Cabinet" reference is now being modified in view of the Apel et al. patent to show that it is known to make images from ultraviolet color stable ink.

The applicant argues that the "Harvard Cheers Cabinet" reference does not show a third panel as defined in claim 8. In view of the applicant's amendments the "Harvard Cheers Cabinet" reference is now being modified in view of the Apel et al. patent and McClatchy to show the use of a third panel and a mural which is formed on all three panels.

The applicant argues that Apel et al. teaches the idea of making the images removable and therefore can not be combined with the "Harvard Cheers Cabinet" reference. The examiner disagrees since the "Harvard Cheers Cabinet" reference already teaches the idea of attaching a permanent mural to a pair of doors on a cabinet. The Apel et al. patent is merely being used to show that it is known to place indicia onto a plurality of storage bin doors that are hinged along a common longitudinal top edge. The "Harvard Cheers Cabinet" reference in view of Apel et al. is being modified by taking the permanent mural formed on multiple doors of a cabinet and placing the permanent mural onto another type of cabinet, i.e. storage bins of a transportation vehicle.

Since the applicant failed to traverse the examiner's assertion of official notice the statement is taken to be admitted prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
April 12, 2005